§ 708. Investigatory powers. For the purpose of all hearings and investigations, which, in the opinion of the board, are necessary and proper for the exercise of the powers vested in it by sections seven hundred five and seven hundred six,

1. The board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board, its member, agent, or agency, conducting the hearing or investigation. Any member of the board, or any agent or agency designated by the board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

2. If any witness resides outside of the state, or through illness or other cause is unable to testify before the board or its member, agent, or agency conducting the hearing or investigation, his or her testimony or deposition may be taken within or without this state, in such manner and in such form as the board or its member, agent or agency conducting the hearing may by special order or general rule, prescribe.

3. In case of contumacy or refusal to obey a subpoena issued to any person the supreme court of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

4. Upon any such investigation or hearing, the board, a member

thereof, or any officer duly designated by the board to conduct such investigation or hearing, may confer immunity in accordance with the provisions of section 50.20 of the criminal procedure law.

* 5. Charges, petitions, orders, and other process and papers of the board, its member, agent, or agency, may be served either personally or by regular mail or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt therefor when registered and mailed as aforesaid shall be proof of service of the same. Witnesses summoned before the board, its member, agent, or agency shall be paid the same fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. Final orders issued by the board shall be served upon the parties by registered or certified mail.

* NB Effective until November 22, 2023

* 5. Complaints, charges, petitions, orders, notices of hearing, and other process and papers of the board, parties appearing before the board, its members, agents, or agency, may be served either personally or by regular mail or by leaving a copy thereof at the principal office or place of business of the person required to be served, provided that service shall be effectuated by e-filing pursuant to section seven hundred eight-a of this article upon the effectiveness of such section, and further provided that until the effectiveness of section seven hundred eight-a of this article, parties shall provide courtesy copies of all process and papers served by regular mail to the recipient party by electronic mail to the electronic mailing address designated by the party for such purpose unless the party can establish to the board that it does not have access to the means to send courtesy copies by electronic mail or that it would impose an undue burden. The verified return or certificate of service by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt therefor when registered and mailed as aforesaid shall be proof of service of the same. Witnesses summoned before the board, its member, agent, or agency shall be paid the same

fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. The board shall e-file all orders, notices of hearing, and other process and papers originating from the board pursuant to section seven hundred eight-a of this article upon the effectiveness of such section, provided that until the effectiveness of section seven hundred eight-a of this article, the board shall serve final orders upon the parties by registered or certified mail and shall send courtesy copies of such orders, notices of hearing, and other process and papers originating from the board by electronic mail upon all parties who have provided an electronic mailing address designated for such purpose.

* NB Effective November 22, 2023

6. All process of any court to which application may be made under this article may be served in the county wherein the person or persons required to be served reside or may be found.

7. The several departments, commissions, divisions, authorities, boards, bureaus, agencies and officers of the state or any political subdivision or agency thereof, shall furnish the board, upon its request, all records, papers, and information in their possession relating to any matter before the board.

8. Subpoenas under this article shall be subject to paragraph (k) of subdivision five of section two hundred five of the civil service law and the rules and regulations promulgated under paragraph (l) of subdivision five of section two hundred five of the civil service law.